

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.24210 OF 2007

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DATED: 15-11-2007
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BETWEEN

Mohd. Raza Kazimi,
S/o. Abbas, Occ: Business,
C/o. Diamond Cafe,
5-7-614 to 616,
Opp. To Ek Minar Mosque,
Nampally, Hyderabad.

...PETITIONER

AND

The Commissioner,
Greater Hyderabad Municipal
Corporation, Hyderabad and
another.

...RESPONDENTS

ORDER:

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Petitioner submits that he is the tenant and one Ahmed Ali and another are the owners of the property bearing No.5-7-614 to 616 situated at Ek Minar Mosque, Nampally, Hyderabad. He further submits that he has been running a Hotel in the name of Diamond Café in the aforesaid premises. While so, the respondents issued letter No.234/RW/TPS/C6/MCH/2005/07 dated 28.09.2007 proposing to take away an extent of 74.5 square yards from the aforesaid property for the purpose of widening of the road.

2. Petitioner further submits that though the landlords have given their consent but he being the tenant filed objection by way of issuing legal notice dated 31.10.2007. He further submits that whenever a tenant objects to hand over possession, the respondent corporation cannot take away the

land/building on the consent of the landlord. The only course open to the respondents is take recourse under land acquisition proceedings.

3. If that be so, the petitioner being a tenant, he will be an interested person as held by this Court in **M/s. USHODAYA PUBLICATIONS v. THE COMMISSIONER, MUNICIPAL CORPORATION OF HYDERABAD**^[1].

4. Having regard to the facts and circumstances of the case, the respondents are directed to consider and dispose the representation of the petitioner dated 31.10.2007, filed through his counsel, in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAI AH, J

November 15, 2007
DSK

^[1] AIR 2001 AP 345 (FB)